

EXHIBIT A

CAUSE NO. _____

AUDRI KUTCHINSKI,
*Plaintiff,***-versus-****COSTCO WHOLESALE CORPORATION**
AND
SCOTT HUNTINGTON,
Defendants§
§
§
§
§
§
§
§**IN THE DISTRICT COURT OF****HARRIS COUNTY, TEXAS**_____
JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff AUDRI KUTCHINSKI and files this Original Petition and Request for Disclosure against Defendants COSTCO WHOLESALE CORPORATION and SCOTT HUNTINGTON alleges as follows:

I. DISCOVERY

1. Plaintiff intends for this case to be governed by a Level Three discovery Control Plan and requests the Court enter a docket control order specifically tailored to the facts of this case.

II. RELIEF

2. Plaintiff seeks monetary relief of more than \$1,000,000. Tex. R. Civ. P. 47(c)(4).

III. PARTIES

3. Plaintiff AUDRI KUTCHINSKI is an individual residing in Harris County, Texas.

4. Defendant COSTCO WHOLESALE CORPORATION is a Washington corporation with its principal place of business at 999 Lake Drive, Issaquah, Washington 98027. Costco may be served with process by serving its registered agent for service of process, CT Corporation System, at 1999

Bryan Street, Suite 900, Dallas, Texas 75201. At all times material hereto Costco owned and/or operated, and/or controlled a business located at 1310 Jasmine Avenue in Webster, Texas.

5. Defendant SCOTT HUNTINGTON is the manager of the Costco store located at 1310 Jasmine Avenue in Webster, Texas. He may be served at that address, which is his usual place of business, or wherever he may be found.

IV. JURISDICTION & VENUE

6. Venue is appropriate in Harris County, Texas because all of the events giving rise to this cause of action occurred in Harris County, Texas.

7. This Court has subject matter jurisdiction because the amount in controversy is within the jurisdictional limits of the Court.

V. FACTUAL BACKGROUND

8. This lawsuit arises from a fall that occurred on December 29, 2019, while Plaintiff was a business invitee at the Costco store located at 1310 Jasmine Avenue, in Webster, Harris County, Texas.

9. Ms. Kutchinski was shopping at the Costco and there was a water puddle or other slippery substance inside the store wherein Ms. Kutchinski slipped, fell and sustained injuries.

10. Agents, employees, and representatives of Costco told Plaintiff immediately after her fall that the store management had actual awareness of the condition before her fall.

11. As an owner or occupier of land Defendants had a duty to keep the premises under their control safe for customers, such as Plaintiff.

12. Defendants knew of the dangerous condition that caused Plaintiff's injury, or would have known of such condition had they conducted a reasonable inspection.

13. As a result of the fall Ms. Kutchinski has suffered significant and permanent injuries personal injuries and damages.

VI. NEGLIGENCE

14. At the time of the accident, Defendants had a duty to exercise reasonable care to keep the premises under their control safe for customers, such as Plaintiff.

15. Defendants breached that duty of care.

16. Defendants' breach of duty proximately caused serious, permanent, and disabling injuries to Plaintiff's hands, fingers, wrists, back, neck, hips, knees, legs, ankles, and other parts of her body. Such injuries have resulted in the following damages: actual damages, including, but not limited to, past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, past and future lost wages, and loss of earning capacity.

17. Subsequent to Plaintiff's injury a Costco representative, Zac Stonebarger, acting within the course and scope of his employment as a Senior Resolution Manager for Costco, expressly told Plaintiff that Defendants had acted negligently in causing her accident and damages.

18. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

VII. PREMISES LIABILITY

19. In addition and in the alternative, Plaintiff pleads as follows.

20. Plaintiff was an invitee and Defendants were in possession and control of the premise.

21. A condition on the premises caused an unreasonable risk of harm and Defendants knew or should have known about the danger to Plaintiff.

22. Defendants breached their duties as persons in possession and control of the premises, and those breaches proximately caused serious, permanent, and disabling injuries to Plaintiff's hands,

wrists, fingers, back, neck, knees, hips, legs, ankles, and other parts of her body. Such injuries have resulted in the following damages: actual damages, including, but not limited to, past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, past and future lost wages, and loss of earning capacity.

23. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

24. The conduct of the Defendants is of such a nature as to give rise to punitive or exemplary damages under applicable law.

VIII. JURY DEMAND

25. Plaintiff demands a jury trial and pays the jury fees herewith.

IX. CONDITIONS PRECEDENT

26. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

X. REQUEST FOR DISCLOSURE

27. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

XI. CONCLUSION & PRAYER

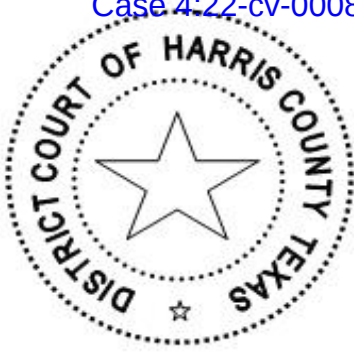
For these reasons, Plaintiff asks that the Court issue citation for Defendants Costco Wholesale Corporation and Scott Huntington to appear and answer, and that she be awarded a judgment against Defendants for the following: (1) actual damages, including, but not limited to, past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, past and future lost wages, past and future loss of earning capacity; (2) prejudgment and post-judgment interest; (3) court costs; and (4) all other relief to which she is entitled.

Respectfully submitted,

THE SYDOW FIRM

/s/ Michael D. Sydow
Michael D. Sydow
State Bar No. 19592000
michael.sydow@thesydowfirm.com
3355 W. Alabama, Suite 444
Houston, Texas 77098
(713) 622-9700 [Telephone]
(713) 552-1949 [Telecopier]

Attorney for Plaintiff



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 94840111 Total Pages: 5

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HARRIS COUNTY, TEXAS

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3/16/2021 2:53:20 PM
Marilyn Burgess - District Clerk
Harris County
Envelope No: 51525053
By: JACKSON, MONICA J
Filed: 3/16/2021 2:53:20 PM**Request for Issuance of Service**

CASE NUMBER: _____ CURRENT COURT: _____

Name(s) of Documents to be served: Plaintiff's Original Petition and Request for DisclosureFILE DATE: 03/16/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Costco Wholesale CorporationAddress of Service: 1999 Bryan Street, Suite 900City, State & Zip: Dallas, Texas 75201Agent (if applicable) Registered Agent: CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper _____
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) _____

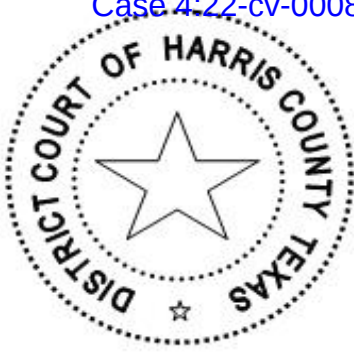
(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____ ☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)
- ☐ MAIL to attorney at: _____
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
- ☐ OTHER, explain _____

Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.
Visit www.hcdistrictclerk.com for more instructions.

Issuance of Service Requested By: Attorney/Party Name: Michael D. Sydow Bar # or ID 19592000Mailing Address: 3355 W. Alabama, Suite 444, Houston, TX 77098Phone Number: (713) 622-9700



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this January 10, 2022

Certified Document Number: 94840112 Total Pages: 1

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Marilyn Burgess - District Clerk
Harris County
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By: JACKSON, MONICA J
Filed: 3/16/2021 2:53:20 PM

Request for Issuance of Service

CASE NUMBER: _____ CURRENT COURT: _____

Name(s) of Documents to be served: Plaintiff's Original Petition and Request for Disclosure

FILE DATE: 03/16/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Scott Huntington

Address of Service: 1310 Jasmine Street

City, State & Zip: Webster, Texas 77598

Agent (if applicable) _____

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias Newspaper _____ | | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance) | <input type="checkbox"/> Attachment (not by E-Issuance) | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance) | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration | |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe) _____ | | | |

(See additional Forms for Post Judgment Service)

- SERVICE BY (check one):**
- | | |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____ | <input checked="" type="checkbox"/> E-Issuance by District Clerk
(No Service Copy Fees Charged) |
| <input type="checkbox"/> MAIL to attorney at: _____ | <i>Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.
Visit www.hcdistrictclerk.com for more instructions.</i> |
| <input type="checkbox"/> CONSTABLE | |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk | |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ | |
| <input type="checkbox"/> OTHER, explain _____ | |

Issuance of Service Requested By: Attorney/Party Name: Michael D. Sydow Bar # or ID 19592000

Mailing Address: 3355 W. Alabama, Suite 444, Houston, Texas 77098

Phone Number: (713) 622-9700



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Marilyn Burgess - District Clerk Harris County

Envelope No. 59023119

By: Rhonda Momon

Filed: 11/10/2021 8:57 AM

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Request for Issuance of ServiceCASE NUMBER: 2021-15212 CURRENT COURT: 281stName(s) of Documents to be served: Plaintiff's Original Petition and Request for DisclosureFILE DATE: 03/16/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Costco Wholesale CorporationAddress of Service: 1999 Bryan Street, Suite 900City, State & Zip: Dallas, Texas 75201Agent (if applicable) Registered Agent: CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

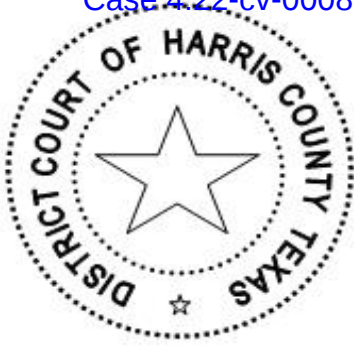
- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
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- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe)

(See additional Forms for Post Judgment Service)

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- ☐ ATTORNEY PICK-UP (phone) ☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)
- ☐ MAIL to attorney at:
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
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- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Phone:
- ☐ OTHER, explain

Issuance of Service Requested By: Attorney/Party Name: Michael D. Sydow Bar # or ID 19592000Mailing Address: 3355 W. Alabama, Suite 444, Houston, TX 77098Phone Number: (713) 622-9700



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Certified Document Number: 98873810 Total Pages: 1

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11/10/2021 8:57:14 AM
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 Envelope No: 59023119
 By: MOMON, RHONDA M
 Filed: 11/10/2021 8:57:14 AM

Request for Issuance of ServiceCASE NUMBER: 2021-15212 CURRENT COURT: 281stName(s) of Documents to be served: Plaintiff's Original Petition and Request for DisclosureFILE DATE: 03/16/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

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Agent (if applicable) _____

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- ☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: Michael D. Sydow Bar # or ID 19592000Mailing Address: 3355 W. Alabama, Suite 444, Houston, Texas 77098Phone Number: (713) 622-9700



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CAUSE NO. 2021-15212

AUDRI KUTCHINSKI,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
COSTCO WHOLESALE CORPORATION	§	
AND SCOTT HUNTINGTON	§	
	§	281 ST JUDICIAL DISTRICT
Defendant.	§	

**DEFENDANT COSTCO WHOLESALE CORPORATION'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, COSTCO WHOLESALE CORPORATION, in the above-entitled and numbered cause of action and files this Original Answer to Plaintiff's Original Petition as follows:

GENERAL DENIAL

1. In accordance with Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies the allegations in this lawsuit made by Plaintiff, AUDRI KUTCHINSKI, and demands strict proof thereof in accordance with the Constitution and laws of the State of Texas.

PRAYER

2. WHEREFORE, Defendant COSTCO WHOLESALE CORPORATION prays that the Plaintiff, AUDRI KUTCHINSKI take nothing in her lawsuit against Defendant and that the Court grant Defendant such other and further relief, general and special, at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

HEARD & MEDACK, P.C.

By: /s/ David W. Medack

David W. Medack
State Bar No. 13892950
14100 Southwest Freeway, Suite 300
Sugar Land, Texas 77478
Telephone: (713) 772-6400
Facsimile: (713) 772-6495
dmedack@heardmedackpc.com

ATTORNEYS FOR DEFENDANT
COSTCO WHOLESALE CORPORATION

CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing has been served upon all known counsel of record, by facsimile, email, hand delivery, U.S. First Class Mail and/or certified mail, return receipt requested, on this the 6th day of January, 2022.

Michael D. Sydow
State Bar No. 19592000
The Sydow Firm
3355 W. Alabama, Suite 444
Houston, Texas 77098
(713) 622-9700 – Telephone
(713) 552-1949 – Telecopier
Email: Michael.Sydow@thesydowfirm.com

ATTORNEY FOR PLAINTIFF

/s/ David W. Medack
David W. Medack

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alyson Clark on behalf of David Medack
 Bar No. 13892950
 AClark@heardmedackpc.com
 Envelope ID: 60565507
 Status as of 1/6/2022 2:08 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Alyson Clark		aclark@heardmedackpc.com	1/6/2022 1:59:11 PM	SENT
Cendy Hernandez		chernandez@heardmedackpc.com	1/6/2022 1:59:11 PM	SENT
David W.Medack		dmedack@heardmedackpc.com	1/6/2022 1:59:11 PM	SENT



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2021-15212

COURT: 281st

FILED DATE: 3/16/2021

CASE TYPE: Other Injury or Damage



KUTCHINSKI, AUDRI

Attorney: SYDOW, MICHAEL D.

VS.

COSTCO WHOLESALE CORPORATION

Attorney: MEDACK, DAVID W.

Docket Sheet Entries	
Date	Comment